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09/965,187	09/25/2001	Samir S. Soliman	010107	2812

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,187

Applicant(s)

SOLIMAN, SAMIR S.

Examiner

Melur Ramakrishnaiah

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 25-31,33,34 and 37-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24,32,35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8-25-2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Election/Restrictions

1. Claims 25-31, 33, 34, 37-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8-12-2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-6, 7, 8, 12-13, are rejected under 35 U.S.C 102(e) as being anticipated by Nobuyasu et al. (US PAT: 6,597,673, filed 6-16-1998, hereinafter Nobuyasu).

Regarding claim 1, Nobuyasu discloses a wireless communication system comprising: a first transceiver in (52, fig. 6), a second transceiver in (53, fig. 6), a third transceiver in (51, fig. 6) in communication with the first transceiver, and a controller (not shown) configured to effectuate a soft handoff from the first transceiver to the second transceiver using a set of optimum parameters (reads on soft handoff branches) that are determined based on a current position of the third transceiver (col. 4 lines 32-57; col. 5 lines 47-52; col. 8 lines 25-53; col. 9 lines 12-51; col. 10 lines 30-46).

Regarding claim 7, Nobuyasu discloses a mobile unit comprising: a receiver in (51, fig. 6) configured to receive set of optimum system access parameters determined on a current position of the mobile unit (this is implied in as much as the reference teaches determining optimum system access parameters and soft handoff taking place between base stations), a controller (not shown) configured to control mobile unit based on the received set of optimum system access-parameters (fig. 6 col. 8 lines 25-53; col. 9 lines 12-51; col. 10 lines 30-46).

Regarding claim 8, Nobuyasu discloses a mobile unit comprising: a receiver in (51, fig. 6) configured to receive set of optimum system access parameters determined on a current position of the mobile unit (this is implied in as much as the reference teaches determining optimum system access parameters and soft handoff taking place between base stations), a controller (not shown) to effectuate a soft handoff from first base station (52, fig. 6) to a second base station (53, fig. 6) based on the received set of optimum soft-handoff parameters (fig. 6 col. 8 lines 25-53; col. 9 lines 12-51; col. 10 lines 30-46).

Regarding claims 4-6,12-13, Nobuyasu further teaches the following: set of optimum parameters includes a set of optimum system access parameters and set of optimum soft hand off parameters, controller is further configured to determine the set of optimum soft handoff parameters/system of optimum system-access parameters (fig. 6 col. 8 lines 25-53).

3. Claims 14, 15, 17-22, are rejected under 35 U.S.C 102(e) as being anticipated by Huang et al. (US PAT: 6,594,243 B1, filed 7-15-1999, hereinafter Huang).

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Regarding claim 14, Huang discloses a base station comprising: a transmitter unit (35, fig. 2) configured to transmit set of optimum system-access parameters determined based on the current position of a mobile unit (12, fig. 1), and a controller (36, fig. 2) configured to control the mobile unit based on the set of optimum system access parameters (figs. 1-4, col. 37, line 38 – col. 6, line 48; col. 9 lines 57-64).

Regarding claim 15, Huang discloses a base station comprising: a transmitter unit (35, fig. 2) configured to transmit to the mobile unit (12, fig. 1) a set of optimum soft-handoff parameters determined based on a current position of the mobile unit in a first coverage area (fig. 1) and a controller 36, fig. 2) configured to effectuate a soft handoff from the first coverage area to a second coverage area based on the set of optimum soft-handoff parameters (figs. 1-4, col. 37, line 38 – col. 6, line 48; col. 9 lines 57-64).

Regarding claims 17-22, Huang further teaches the following: first coverage area includes a cell coverage area, first coverage area includes a sector within a cell coverage area (col. 5 lines 59-65), the controller (36, fig. 2) is configured to determine the set of soft-handoff parameters, transmitter unit is configured to transmit a set of optimum system access parameters determined based on the current position of the mobile unit in a first coverage area, controller is configured to control performance of the mobile unit based on the set of optimum system-access parameters, controller configured to determine the set of optimum soft-handoff parameters and a set of optimum system-access parameters (figs. 1-4, col. 37, line 38 – col. 6, line 48; col. 9 lines 57-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Raith (US PAT: 6,611,688, filed 2-22-2000).

Regarding claim 23, Huang discloses a method for effecting soft handoff, comprising: determining a set of optimum parameters based on the current position of the mobile unit (12, fig. 1), and effectuating a soft handoff from the first coverage area to a second coverage area (see fig. 1) using a set of optimum parameters (figs. 1-4, col. 37; line 38 – col. 6, line 48; col. 9 lines 57-64).

Huang differs from claims 16 and 23 in that he does not explicitly teach the following: controller further configured to determine the current position of the mobile unit in the first coverage area.

However, Raith discloses position reporting method for a mobile terminal which teaches the following: controller further configured to determine the current position of the mobile unit in the first coverage area (col. 5 lines 13-21).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: controller further configured to determine the current position of the mobile unit in the first

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coverage area as this arrangement would facilitate to enhance many different applications that are used in mobile communication system as taught by Raith.

Regarding claim 24, Huang further teaches the following: determining the set of optimum parameters includes determining a set of optimum system access parameters and determining set of soft-handoff parameters (see figs 3, 5; col. 5, col. 5, line 33 – col. 6, line 48).

6. Claims 2-3, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobuyasu in view of Kingdon (US PAT: 6,447,379, filed 10-28-1998).

Regarding claims 2-3, 9-11, Nobuyasu does not explicitly teach the following: controller is configured to determine the current position of the third transceiver, position includes a position within a cell coverage area/sector within the coverage area.

However, Kingdon teaches the following: controller is configured to determine the current position of the third transceiver, position includes a position within a cell coverage area/sector within the coverage area (col. 3, line 59 – col. 4, line 4).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Nobuyasu's system to provide for the following: controller is configured to determine the current position of the third transceiver, position includes a position within a cell coverage area/sector within the coverage area as this arrangement would facilitate the location of mobile station in communication environment which could be made use of by the cellular system for further applications as taught by Kingdon.

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7. Claims 32, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Buford et al. (US PAT: 5,945,948, hereinafter Bufford).

Regarding claims 32, 35, 36, Huang discloses a computer readable medium embodying a method for effectuating soft handoff, the method comprising: determining optimum parameters based on the current position of the mobile unit (12, fig. 1), and effectuating a soft handoff from the first coverage area to a second coverage area using the set of optimum parameters (figs. 1-4, col. 37, line 38 – col. 6, line 48; col. 9 lines 57-64).

Huang differs from claims 32, 35, 36 in that he does not explicitly teach the following: a memory unit and a digital signal processing (DSP) unit communicatively coupled to the memory unit, the DSP being capable of determining a current position of mobile unit in a first coverage area.

However, Buford teaches the following: a memory unit in (350, fig. 5) and a digital signal processing (DSP) unit (310,320, 330, fig. 5) communicatively coupled to the memory unit, the DSP being capable of determining a current position of mobile unit in a first coverage area (figs. 5, 7; claim 1).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: a memory unit and a digital signal processing (DSP) unit communicatively coupled to the memory unit, the DSP being capable of determining a current position of mobile unit in a first coverage area as this arrangement would facilitate the location of mobile station in

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communication environment which could be made use of by the cellular system for further applications as taught by Buford.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
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